IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4562 of 2007()

CMP.3413/2007 of J.M.F.C.-III,TRIVANDRUM

CRIME NO.263/07 OF THAMPANOOR POLICE STATION, TRIVANDRUM.

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PETITIONERS/ACCUSED NO.1 AND 2

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1. DURAI,
   S/O.MUTHUVEL, 151/2004, THIRUVALLAI,
   VIRUTHU NAGAR, TAMIL NADU.

2. SHELVAN,
   S/O.MILKIYAS,
   T.C.64/1676, THIRUVAZHIMUKKU DESHAM,
   THIRUVALLAM, THIRUVANANTHAPURAM.

BY ADV. SRI.MANOJ P.KUNJACHAN
SRI.R.JAYAKRISHNAN NAIR

RESPONDENTS: COMPLAINANT

SUB INSPECTOR OF POLICE,
THAMPANOOR POLICE STATION,
THIRUVANANTHAPURAM.
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4562 of 2007

Dated this the 3rd day of August, 2007

ORDER

Application for regular bail. The petitioners are accused 1 and 2 in a crime registered under Sec.379 of the IPC. The crux of the allegations is that the petitioners were found to be in possession of a thieved mobile phone. On suspicion, the petitioners were arrested when they were found to have three mobile phones in their possession and were allegedly trying to sell one of those mobile phones. They were intercepted. Investigation revealed that one active mobile phone which they had with them was a thieved one. Accordingly, investigation continued. It is almost complete. Final report shall be filed within a day or two, submits the learned Public Prosecutor. In so far as other two mobile phones are concerned, there is no allegation that they were the subject matter of any offence of theft. There is no allegation of prior criminality against either of those two petitioners. The learned Public Prosecutor only

submits that appropriate conditions may be imposed which shall ensure the presence of the accused during trial.

2. Having considered all the relevant inputs, I am satisfied that the petitioners can now be enlarged on bail subject to appropriate conditions which shall ensure that they do not continue to commit any such offence and shall be available for trial before the learned Magistrate.

3. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall report before the S.H.O., Thampanoor Police Station between 10 a.m. and 11 a.m. on the first and third Mondays of all English calendar months until the case against them is finally disposed of.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge